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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,044	07/23/2003	Yogin P. Suthar	SUTHAR 204-KFM	1085
10/37 7590 04/16/2008 MILDE & HOFFBERG, LLP 10 BANK STREET SUITE 460 WHITE PLAINS, NY 10606				
EXAMINER				
AN, IG TAI				
ART UNIT		PAPER NUMBER		
3687				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/625,044

**Applicant(s)**

SUTHAR, YOGIN P.

**Examiner**

IG TAI AN

**Art Unit**

3687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-112 is/are pending in the application.
- 4a) Of the above claim(s) 1-50 and 99-109 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 51-98 and 110-112 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 8/25/2003

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This communication is a First Office Action Non-Final Rejection on the merits. Claims 1 – 50 and 99 – 109 are withdrawn, and claims 51 – 98 and 110 – 112 are elected from restriction requirement. Therefore, claims 51 - 98 and 110 - 112 are currently pending and have been considered below.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 51 - 62, 64, 73 - 74, 76, and 96 are rejected under 35 U.S.C. 102(e) as being anticipated by Terase (US 7257547).**

**As per Claim 51,** Terase discloses

a computer server having a memory unit for storing menu data comprising menu items which may be ordered (Figure 1, Figure 2, Figure 7, Column 2 lines 42 – 47 and Column 4 lines 21 – 38 teaches a server or a store control unit with memory to store menu data);

a first transmitting and receiving device (T/R device) connected to said server for transmitting said menu data and receiving order commands (Figure 1, Figure 2, Figure 7, Column 2 lines 42 – 47 and Column 4 lines 21 – 38 and column 12 line 14 – 17 teaches server or store control unit transmits the menu data and receiving ordered dishes); and

a plurality of menu tablets each having a graphic display, input means for receiving order commands from a user and a second transmitting and receiving device (T/R device), said second T/R device, in communication with said first T/R device, for receiving said menu data from, and transmitting said order commands to, said server (Figure 1, Figure 2, Figure 7, Column 2 line 55 – 57, Column 4 lines 21 – 38, column 12 line 14 – 17, Column 13 lines 57 – 62 teaches table top terminal with picture display, wireless communication between server or store control unit and table top terminals, and server or store control unit transmits order to the table top terminal and receives orders from the table top terminal);

the improvement wherein the input means is a touch activated LCD screen (Column 6 line 44 – 52 teaches table top terminal having touch sensitive LCD screen).

**As per Claim 52**, Terase discloses wherein said menu data further comprises a price for each menu item (Column 3 lines 44 – 49).

**As per Claim 53**, Terase discloses a pay station, in communication with said server, for receiving price tally commands; and said second T/R transmitting price tally

Art Unit: 3687

commands from said tablets to said server (Column 4 lines 22 – 37, Column 3 lines 44 – 49, and Column 9 lines 23 – 28).

**As per Claim 54**, Terase discloses a central facility comprising a central computer in communication with at least one order automation system, said central computer having a memory unit for storing the order commands from a number of order automation systems, and payment information associated therewith (Figure 2 and Column 13 lines 57 – 62).

**As per Claim 55**, Terase discloses wherein the central computer memory unit further stores payment information associated with the order commands (Column 13 lines 57 – 62).

**As per Claim 56**, Terase discloses wherein the graphic display transmitted from the server comprises pictures of the menu items (Column 11 lines 41 – 49).

**As per Claim 57**, wherein the graphic display transmitted from the server comprises compatibility information for the menu items (Column 11 lines 41 – 49 and Column 12 lines 3 – 8).

**As per Claim 58**, Terase discloses a facility's order display in communication with said server, for receiving and displaying order commands received from the computer server (Figure 1, Figure 2, Figure 7, and Column 12 lines 3 – 17 and 41 – 57).

**As per Claims 59, and 73**, Terase discloses said facility's order display further comprises a graphic display, and a third transmitting and receiving device (T/R device)

in communication with said first T/R device, for receiving said order commands, and transmitting an order work started command to the server (Figure 1, Figure 6 S11, Figure 7, Column 11 line 41 – 49, Column 12 lines 3 - 17 and 41 - 57).

**As per Claims 60 and 74**, Terase discloses wherein said facility's order display further comprises a third transmitting and receiving device (T/R device) in communication with said second T/R device, for receiving said order commands, and transmitting a "food preparation started" command to the server (Figure 1, Figure 6 S11, Figure 7, Column 11 line 41 – 49, Column 12 lines 3 - 17 and 41 - 57).

**As per Claim 61**, Terase discloses wherein the menu tablet further comprises a low battery indicator (Column 14 line 5 – 16).

**As per Claims 62, and 76**, Terase discloses wherein the menu tablet further comprises battery charging contacts (Column 7 lines 19 – 21).

**As per Claim 64**, Terase discloses wherein the menu tablet further comprises means for viewing the Internet connection of the server (Column 3 lines 39 – 43).

**As per Claim 96**, Terase discloses wherein the diner can check the status of food preparation via an E-Menu (Column 3 lines 25 – 30 and Column 7 lines 51 – 54).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3687

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over Terase in view of Gillespie et al. (hereinafter Gillespie) (US 20020191029).**

**As per Claim 63**, Terase teaches all the elements of the claimed invention but is silent regarding wherein the menu tablet further comprises brightness/contrast controls.

Gillespie discloses touch screen with user interface enhancement having wherein the menu tablet further comprises brightness/contrast controls (paragraph 57).

Therefore, from this teaching of Gillespie, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify restaurant service management system of Terase to include brightness and contrast controls as taught by Gillespie to increase customer's convenience. Furthermore, all the claimed elements were known in Terase and Gillespie, and one of skilled in the art could have combined

the brightness and contrast control on the touch sensitive LCD screen and touch sensitive LCD screen as claimed by known methods with no change in their respective functions, and combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

**6. Claim 110 is rejected under 35 U.S.C. 103(a) as being unpatentable over Terasse in view of Brown et al. (hereinafter Brown) (US 6618062).**

**As per Claim 110**, Terasse teaches all the elements of the claimed invention but is silent regarding wherein said LCD screen is foldable.

Brown discloses system specifying an electronic menu with food preferences from a personal storage device having wherein said LCD screen is foldable (Column 8 lines 22 – 32).

Therefore, from this teaching of Brown, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify restaurant service management system of Terasse to include foldable LCD as taught by Brown to save spaces and prevent accidental operation. Furthermore, all the claimed elements were known in Terasse and Brown, and one of skilled in the art could have combined touch sensitive LCD screen and foldable touch sensitive LCD screen as claimed by known method with no changes in their respective functions, and combination would have yield predictable results to one of ordinary skill in the art at the time of the invention.



**Claims 65 – 72, 75, 77 – 92, 97 – 98, and 111 - 112 have same or similar limitations as claims 51 - 64, 73 - 74, 76, 96, and 110. Therefore, Claims 65 – 72, 75, 77 – 92, 97 – 98, and 111 – 112 are rejected under same rationale.**

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mayer et al. (US20020026364) discloses electronic waiter system.

Liu (US 20040034564) discloses Wireless network system and method for managing a restaurant and enhancing patron service

Toth (US 20030078793) discloses enhanced customer-centric restaurant system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IG TAI AN whose telephone number is (571)270-5110. The examiner can normally be reached on Monday - Thursday from 9:30 AM to 5 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571-272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3687

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew S Gart/  
Supervisory Patent Examiner, Art  
Unit 3687

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